



Ancillary Document Review Supplement
(This form must be filled out electronically.)

This form is to be used when reviewing interpretive and/or policy statement(s) in conjunction with the review of a rule.

Interpretive and/or policy statements are issued by the Department of Revenue under authority of RCW 34.05.230. These statements explain the Department's policy regarding how tax law applies to a specific issue or specific set of facts. These statements include documents such as Excise Tax Advisories (ETAs), Property Tax Advisories (PTAs), and Interim Audit Guidelines (IAGs).

All responses should be in **bold** format.

Interpretive or policy statement(s) being reviewed (provide number and title):

ETA 269.04.194 (Out-of-State engineering firm performing services in this state which are incidental to those performed by its out-of-state office)

Date issued: **September 23, 1966**

Reviewer: **Diane Bren**

Date reviewed: **March 4, 2004**

This review is in conjunction with the review of the following rule(s) (provide WAC number(s) and title(s)): **WAC 458-20-194 (Doing business inside and outside the state).**

Briefly explain the subject matter of the document(s): **Explains that an engineering firm that was domiciled in Oregon was not subject to tax, even though the taxpayer had employees come into Washington to solicit the sales, take site measurements, and provide inspection services during construction (which might take weeks). Since the taxpayer did not have a physical business situs in the state, the activities in Washington were ruled as incidental, and the taxpayer was not required to apportion the gross income from engineering services.**

Type an "X" in the column that most correctly answers the question, and provide clear, concise, and complete explanations where needed.

YES	NO	
X		Is the document written and organized in a clear and concise manner?
X		Are citations to other rules, laws, or other authority accurate? (If no, identify the incorrect citation below and provide the correct citation.)
	X	Does the document provide information not currently in a rule, other interpretive or policy statement, or WTD?
	X	Is the document providing the result(s) that it was originally designed to achieve?

If the answer is "no" to any of the questions above, provide a brief explanation for that response.



The activities that take place in Washington as described in this ETA are no longer considered to be incidental.

Review Recommendation:

- _____ **Amend**
- X** **Cancel** (Appropriate when action is not conditioned upon another rule-making action or issuance of an interpretive or policy statement.)
- _____ **Leave as is** (Appropriate even if the recommendation is to incorporate the current information into another rule.)

Briefly explain your recommendation:

The tax-reporting instructions in this ETA are incorrect.

Manager action: Date: **April 30, 2004**

 AL Reviewed and accepted recommendation